



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,288	12/29/2000	John R. Stefanik	00335	8905

7590 01/26/2005

Jonathan C. Parks
Kirkpatrick & Lockhart LLP
535 Smithfield Street
Pittsburgh, PA 15222

EXAMINER

MA, JOHNNY

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,288

Applicant(s)

STEFANIK, JOHN R.

Examiner

Johnny Ma

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 8-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-11, 16-18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al, (US 6,484,011 B1) in further view of Williams et al. (US 5,977,964).

As to claim 8, note the Thompson et al. reference that discloses a non-telephonic, wireless information presentation device.

The claimed remote control device including "a processor" is met by microprocessor 32 as illustrated in Figure 2. The claimed "a remote control receiver in communication with the processor" is met by IR receiver 34 coupled to microprocessor 32 as illustrated in Figure 2. The claimed "an input device in communication with the processor" is met by keyboard 15 coupled to microprocessor 32 as illustrated in Figure 2. The claimed "an output device in communication with the processor" is met by LCD 14 and speaker 50 coupled to microprocessor 32 as illustrated in Figure 2. The claimed "and an electronic device" including "a receiver for receiving signals from the remote control device" is met by IR or RF wireless link to the remote control (Thompson 3:53-61). The claimed "an electronic program guide; transmitter in

Art Unit: 2614

communication with the electronic program guide; the transmitter for transmitting data from the electronic program guide to the remote control device” is met by IR or RF wireless link to the

remote control (Thompson 3:53-61) wherein “[I]n the operation of the annunciator 10, a signal is received either by the IR receiver 34 or the RF receiver 36 and such signal contains selected information, typically including an advertisement” (Thompson 5:48-51) and the display of TV programming for a particular channel or time period as shown in Fig. 9 (Thompson 6:10-16).

Note the Thompson et al. reference discloses receiving selected information at the remote control device (Thompson 5:48-55). However the Thompson et al. reference is silent as to “wherein the output device is for providing an alert to a user when a scheduled event occurs.” Now note the Williams et al. reference that discloses a method and apparatus for automatically configuring a system based on a user’s monitored system interaction and preferred system access times. The claimed “providing an alert to a user when a scheduled event occurs” is met by in an alternate embodiment, system controller 104 may provide programming suggestions to a user well in advance (e.g., a couple of days or weeks), with options for issuing reminder prompts, to record the program, or to forego further prompts of the program (Williams et al. 12:36-40). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. data displayed on remote control device with the Williams et al. reminder prompts for the purpose of alerting a user of program events during periods when a television display is in an off state. The claimed “wherein the data indicates an occurrence of the scheduled event” is met by the Thompson et al. and Williams et al. combination where reminder prompt data is sent to the remote control device.

As to claim 9, the claimed “wherein the data include television program starting times” is met by “annunciator 10 can be programmed to display the programming on a number or all the channels over a short time period” (Thompson 6:39-43) wherein EPG data includes start time information as illustrated in Figure 9.

As to claim 10, the claimed “further comprising a telephonic device in communication with the transmitter” is met by “[i]t will be understood that the host device with which the annunciator 10 communicates, either by IR (34, 35) or by RF (36,37), to receive or transmit information, can be a cable decoder box, a satellite decoder box, a telephone company decoder box, a television set or a computer” (Thompson et al. 6:9-13).

As to claim 11, the claimed “wherein the output device includes at least one of a speaker and a light source” is met by LCD display and speaker 50 (Thompson et al. 5:39-42) and back-lighting to illuminate the visual display or sound producing circuitry (Thompson et al. 7:47-50). Also note the rejection of claim 8 regarding the remote control LCD screen and speaker.

As to claim 16, note the Thompson et al. reference that discloses a non-telephonic, wireless information presentation device. The claimed remote control device including “a processor” is met by microprocessor 32 as illustrated in Figure 2. The claimed “a remote control receiver in communication with the processor” is met by IR receiver 34 coupled to microprocessor 32 as illustrated in Figure 2. The claimed “an input device in communication with the processor” is met by keyboard 15 coupled to microprocessor 32 as illustrated in Figure 2. The claimed “an output device in communication with the processor” is met by LCD 14 and speaker 50 coupled to microprocessor 32 as illustrated in Figure 2. Note the Thompson et al. reference discloses receiving selected information at the remote control device (Thompson 5:48-

Art Unit: 2614

55). However the Thompson et al. reference is silent as to “wherein the remote control receiver is for receiving data from an electronic program guide wherein the data indicates the occurrence of a scheduled event.” Now note the Williams et al. reference that discloses a method and apparatus for automatically configuring a system based on a user’s monitored system interaction and preferred system access times. The claimed “receiving data from an electronic program guide wherein the data indicates the occurrence of a scheduled event” is met by in an alternate embodiment, system controller 104 may provide programming suggestions to a user well in advance (e.g., a couple of days or weeks), with options for issuing reminder prompts, to record the program, or to forego further prompts of the program (Williams et al. 12:36-40) wherein system controller includes an electronic program guide (Williams 7:31-58). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. data displayed on remote control device with the Williams et al. reminder prompts for the purpose of alerting a user of program events during periods when a television display is in an off state. The claimed “wherein the output device is for providing an alert to a user when the scheduled event occurs” is met by the Thompson et al. and Williams et al. combination where reminder prompt data is sent to the remote control device.

As to claim 17, the claimed “wherein the output device comprises a light source” is met by “[i]f desired, backlighting can be provide[d] for illuminating the visual display” (Thompson 7:47-48).

As to claim 18, the claimed “wherein the output device comprises a speaker” is met by “if desired, the annunciator 10 can include circuitry 48, 50 for producing sound” (Thompson 7:49-50).

As to claim 21, the claimed “wherein the data include television program starting times” is met by “annunciator 10 can be programmed to display the programming on a number or all the channels over a short time period” (Thompson 6:39-43) wherein EPG data includes start time information as illustrated in Figure 9.

4. Claims 12-15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al, (US 6,484,011 B1) in further view of Williams et al. (US 5,977,964) and Croy et al. (US 6,509,908 B1).

As to claims 12-15, note the Thompson et al. reference discloses remote controller with a display (Thompson 3:14-25). However, the Thompson et al. reference is silent as to the use of smart cards. Now note the Croy et al. reference that discloses a personal navigator system. The claimed “wherein the remote control device further comprises a smart card reader/writer in communication the processor” is met by the remote device 200 can be equipped with a reading interface 260 for smart cards (SC) and the like or a plug-in module interface 262 (Croy 5:35-44) and smart card can be used for storing user information (Croy 6:1-11) wherein a smart card writer is inherent to the successful storage of information on said smart card. The claimed “further comprising a smart card” is met by “smart cards can be cards with the standard magnetic stripe or more advanced with built-in memory or computer chip” (Croy 5:37-39). The claimed “wherein the smart card is configured to include information concerning at least one of a user profile, a user history, a favorite show, a favorite channel, a favorite theme, a channel order, a

Art Unit: 2614

parental control, a pay-per view purchase, and a pay-per-view spending limit” is met by smart card may be used to store personal profiles of the customer (Croy 6:8-11). The claimed

“wherein the smart card is configured to include information concerning at least one of a user Internet profile, an e-mail account, an Internet browser bookmark, an account name, an address list, a security feature, and a display format for Internet browsing on a television monitor” is met by “[a]fter reading the smart card, the user may additionally be asked to identify himself/herself through input of a smart card personal identification number (PIN, number, or code) for enabling special services” (Croy 6:12-21) and “smart cards can be used for identification or they can supply a small amount of (e.g., decremented data to enable services e.g. like telephony cards, Also, a conventional money card/cash card may be used to pay for services or load cash onto the card” (Croy 5:46-50). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. remote control with the Croy smart card for the purpose of providing security, profiles, and other additional options to a user and allowing for easy expansion of services/options provided to a user.

As to claims 22, note the Thompson et al. reference discloses remote controller with a display (Thompson 3:14-25). However, the Thompson et al. reference is silent as to the use of smart cards. Now note the Croy et al. reference that discloses a personal navigator system. The claimed “wherein the remote control device further comprises a smart card reader/writer in communication the processor” is met by the remote device 200 can be equipped with a reading interface 260 for smart cards (SC) and the like or a plug-in module interface 262 (Croy 5:35-44) and smart card can be used for storing user information (Croy 6:1-11) wherein a smart card

Art Unit: 2614

writer is inherent to the successful storage of information on said smart card. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. remote control with the Croy smart card for the purpose of providing security, profiles, and other additional options to a user and allowing for easy expansion of services/options provided to a user.

5. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 6,484,011 B1) in further view of Williams et al. (US 5,977,964) and Eggen et al. (US 6,388,715 B1).

As to claims 19-20, note the Thompson et al. reference discloses "if desired, the annunciator 10 can include circuitry 48, 50 for producing sound" (Thompson 7:49-50). However, the Thompson et al. reference is silent as to customized alerts. Now note the Eggen et al. reference that discloses a television receiver that produces an auditive signal which is characteristic of the relevant program category (Eggen, see Abstract). The claimed "wherein the output device is configured to provide a customized alert for a particular scheduled event" is met by "receiver further comprises user-operable means for selecting a desired television program to be received when it is broadcast; and means for reproducing the auditive signal which is characteristic of the program category of the selected television program when said television program is about to be broadcast" (Eggen 1:56-63). The claimed "wherein the customized alert includes a plurality of noises, wherein the plurality of noises vary in pitch" is met by "[e]xamples of characteristic sounds are: a gong-stroke for news programs; a cheering audience for sports programs; a part of the tune of a James Bond film for movies" (Eggen 1:49-51). Therefore, the examiner submits that it would have been further obvious to one of ordinary skill in the art at the

Art Unit: 2614

time the invention was made to modify the Thompson et al. and Williams et al. remote control reminder prompts with the Eggen et al. characteristic sounds for reminders for the purpose of allowing a user to quickly identify the type of reminder notification presented (Eggen 2:1-13).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Gudorf reference (US 6,313,887 B1) discloses a television remote commander with data reception capability.

The Kikinis et al. reference (US 2002/0059597 A1) discloses a method and apparatus for notifying users of interactive functions.

The Ikonen et al. reference (US 6,804,357 B1) discloses a method and system for providing secure subscriber content data.

The Claassen reference (US 6,069,672) discloses a remote control for a receiver.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2614

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (703) 305-8099. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600